

1 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

2 In the Matter of:

3 JEANMARIE HAZARD, R.Ph.)
4 Holder of License No. 8234)
5 For the Practice of Pharmacy)
6 In the State of Arizona,)
7 Respondent)

Investigation Case Number 05-0019-PHR

**CONSENT AGREEMENT AND
ORDER FOR REVOCATION**

8 **CONSENT AGREEMENT**

9 **RECITALS**

10 In the interest of a prompt and judicious settlement of this case, consistent with the public
11 interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy
12 ("Board") and under A.R.S. §§ 32-1901, *et. seq.* and 41-1092.07(F)(5), JEANMARIE HAZARD,
13 R.Ph., ("Respondent"), holder of Pharmacist License Number 8234 to practice pharmacy in the
14 State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
15 of Law and Order ("Consent Agreement") as a final disposition of this matter.

16 1. Respondent has read and understands this Consent Agreement and has had the
17 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity
18 to discuss this Consent Agreement with an attorney.

19 2. Respondent understands that she has a right to a public administrative hearing
20 concerning the above-captioned matter, at which hearing she could present evidence and
21 cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and
22 voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing,
23 review, reconsideration, appeal, judicial review or any other administrative and/or judicial
24 action, concerning the matters set forth herein.
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1 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

2 4. Respondent understands that this Consent Agreement or any part of the
3 agreement may be considered in any future disciplinary action by the Board against her.

4 5. Respondent understands this Consent Agreement deals with Board Investigation
5 Case No. 05-0019-PHR involving allegations of unprofessional conduct against Respondent. The
6 investigation into these allegations against Respondent shall be concluded upon the Board's
7 adoption of this Consent Agreement.
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9 6. Respondent understands that this Consent Agreement does not constitute
10 a dismissal or resolution of any other matters currently pending before the Board, if any, and
11 does not constitute any waiver, express or implied, of the Board's statutory authority or
12 jurisdiction regarding any other pending or future investigation, action or proceeding.

13 7. Respondent also understands that acceptance of this Consent Agreement does not
14 preclude any other agency, subdivision, or officer of this State from instituting any other civil or
15 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.
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17 8. All admissions made by the Respondent in this Consent Agreement are made
18 solely for the final disposition of this matter, and any related administrative proceedings or civil
19 litigation involving the Board and Respondent. Therefore, any admissions made by Respondent
20 in this Consent Agreement are not intended for any other use, such as in the context of another
21 regulatory agency's proceedings, or civil or criminal proceedings, whether in the State of
22 Arizona or in any other state or federal court.

23 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement
24 and returning this document to the Board's Executive Director, she may not revoke her
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1 acceptance of the Consent Agreement or make any modifications to the document regardless of
2 whether the Consent Agreement has been signed by the Executive Director. Any modification to
3 this original document is ineffective and void unless mutually agreed by the parties in writing.

4 10. Respondent understands that the Consent Agreement shall not become effective
5 unless and until adopted by the Board and signed by its Executive Director.

6 11. If a court of competent jurisdiction rules that any part of this Consent Agreement
7 is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full
8 force and effect.

9 12. Respondent understands and agrees that if the Board does not adopt this Consent
10 Agreement, she will not assert as a defense that the Board's consideration of this Consent
11 Agreement constitutes bias, prejudice, prejudgement or other similar defenses.

12 13. Respondent understands that this Consent Agreement is a public record that may
13 be publicly disseminated as a formal action of the Board and may be reported as required by law
14 to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

15 14. Respondent understands that any violation of this Consent Agreement constitutes
16 unprofessional conduct under A.R.S. § 32-1901.01(B)(20) ([i]n this chapter, unless the context
17 otherwise requires, for the purposes of disciplining a pharmacist, pharmacy intern or graduate
18 intern, "unprofessional conduct" means the following, whether occurring in this state or
19 elsewhere: violating a formal order, terms of probation, a consent agreement or a stipulation
20 issued or entered into by the board or its Executive Director pursuant to this chapter), which shall
21 result in disciplinary action under A.R.S. § 32-1927(A)(1).
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1 REVIEWED AND ACCEPTED BY:

2 *Jeanmarie Hazard*
3 JEANMARIE HAZARD, R.Ph.

11/17/05
DATE



4 *J. Deutschman*
5 Notary Public

6 FINDINGS OF FACT

7 By stipulation of the parties, this Consent Agreement is entered into for final disposition
8 of the matters described herein. Respondent admits to the following Findings of Fact:

9 15. The Board is the duly constituted authority for the regulation and control of the
10 practice of pharmacy in the State of Arizona.

11 16. The Board possesses jurisdiction over the subject matter and over Respondent as a
12 licensee of the Board.

13 17. Respondent is the holder of Pharmacist License Number 8234 which permits her
14 to engage in the practice of pharmacy in the State of Arizona.

15 18. On August 17, 2005, Respondent appeared before the Board to respond to
16 allegations that she had recently used heroin.

17 19. The Board had received information that Respondent violated the terms of her
18 drug abuse treatment and rehabilitation with Pharmacists Assisting Pharmacists in Arizona
19 ("PAPA"). PAPA reported to the Board that Respondent had tested positive for heroin on July
20 14, 2005, which positive test was confirmed by a GC/MS procedure and by a Medical Review
21 Officer.

22 20. At the August 17, 2005 meeting, Respondent stated to the Board that she had not
23 violated the terms of her PAPA Program and that the urine analysis test that identified heroin in
24 her body was flawed. She further stated that she would provide the Board with evidence or proof
25 that she did not recently take heroin. She would provide the Board with this evidence or proof at
26 its November 17, 2005 meeting.

21. At the August 17, 2005 meeting, Respondent knowingly and voluntarily entered into a Stipulated Interim Agreement and Order for Suspension, which Order suspended Respondent license to practice pharmacy in the State of Arizona until November 17, 2005.

22. On November 17, 2005, Respondent appeared before the Board, but failed to provide any evidence or proof that contradicted the positive heroin test reported by PAPA to the Board. Additionally, on this date, the Board heard testimony from Dr. Bogden, a scientist from Sonora Quest Laboratories, explaining how the laboratory determined that Respondent's urine sample tested positive for heroin.

CONCLUSIONS OF LAW

23. The Board is the duly constituted authority for the regulation and control of the practice of pharmacy in the State of Arizona under A.R.S. § 32-1901 *et seq.*

24. The conduct and circumstances described in the above Findings of Fact constitute grounds for disciplinary action under A.R.S. § 32-1927(A)(1) to wit:

A pharmacist, pharmacy intern or graduate intern is subject to disciplinary action by the board for any of the following: The board determines the licensee has committed an act of unprofessional conduct.

25. The conduct and circumstances described in the above Findings of Fact constitute grounds unethical conduct and are grounds for disciplinary action under A.R.S. §§ 32-1901(B)(1), -1901(B)(10), and -1901(B)(19) to wit:

A.R.S. § 32-1901(B)(1): In this chapter, unless the context otherwise requires, for the purposes of disciplining a pharmacist, pharmacy intern or graduate intern, “unprofessional conduct” means the following, whether occurring in this state or elsewhere:

Addiction to the use of alcohol or other drugs to such a degree as to render the licensee unfit to practice the profession of pharmacy.

A.R.S. § 32-1901(B)(10): In this chapter, unless the context otherwise requires, for the purposes of disciplining a pharmacist, pharmacy intern or graduate intern, “unprofessional conduct” means the following, whether occurring in this state or elsewhere:

1 Violating a federal or state law or administrative rule relating to marijuana, prescription-
2 only drugs, narcotics, dangerous drugs, controlled substances or precursor chemicals when
determined by the board or by conviction in a federal or state court.

3 **A.R.S. § 32-1901(B)(19):** In this chapter, unless the context otherwise requires, for the
4 purposes of disciplining a pharmacist, pharmacy intern or graduate intern, "unprofessional
conduct" means the following, whether occurring in this state or elsewhere:

5 Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the
6 violation of, or conspiring to violate, this chapter.

7 **ORDER**

8 Based upon the above Findings of Fact and Conclusions of Law, and under the authority
9 granted to the Board, under A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. R4-23-122(C),

10 **IT IS HEREBY ORDERED** that:

11 26. Pharmacist License No. 8234, which was issued to Respondent for the practice of
12 pharmacy in the State of Arizona, is hereby immediately **REVOKED**.

13 **DATED** and **EFFECTIVE** this 17th day of November, 2005

14
15 **ARIZONA STATE BOARD OF PHARMACY**

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18 Hal Wand, R.Ph.
19 Executive Director
20 Arizona State Board of Pharmacy

21
22 ORIGINAL of the foregoing, fully executed,
23 filed this 17th day of November, 2005, with:

24 Arizona State Board of Pharmacy
25 4425 W. Olive Avenue, #140
26 Glendale, Arizona 85302

1 Fully Executed Copy of the foregoing sent
2 via Certified US mail this 22nd day of
November, 2005 to:

7000 1670 0006 4393 5355

3 Jeanmarie Hazard, R.Ph.
4 3314 N. 61st Place
5 Scottsdale, Arizona 85251

6 Copy or the foregoing mailed
this 22nd day of November, 2005 to:

7 Roberto Pulver, Esq.
8 Assistant Attorney General
9 1275 W. Washington, CIV/LES
Phoenix, Arizona 85007
Attorney for the State

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11 By: Steven M. Hugrave
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